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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 25 August 2009 from the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Antigua and Barbuda to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to submit to the Committee the national report of Antigua and Barbuda, pursuant to paragraph 6 of Security Council resolution 1455 (2003) (see annex).

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Annex to the note verbale dated 25 August 2009 from the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Chairman of the Committee

Report of Antigua and Barbuda on implementation of Security Council resolution 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Osama bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

The economy of Antigua and Barbuda is heavily dependent upon tourism, so any terrorist incident in this country or even in the Caribbean region could have a devastating effect. The decline in tourism after the attacks of September 2001 and the impact upon tourism in Bali of the bombings demonstrate the potentially devastating economic consequences of terrorism. To date, no activities of Osama bin Laden, Al-Qaida or Taliban members have been detected. This is not surprising in view of the country's small size. However, the potentially devastating consequences of a terrorist incident in the Caribbean are certainly appreciated. Potential trends obviously depend in large part upon the intentions of the named groups.

II. Consolidated List

(To be circulated to Member States every three months.)
www.un.org/Docs/sc/committees/1267/1267ListEng.htm

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

Legislative provision in relation to the freezing of funds used for terrorist financing is to be found mainly in the Prevention of Terrorism Act (POTA) of 2005, which criminalizes terrorist acts and the financing of terrorism. Lists of terrorists gazetted under the repealed PTA 2001 continue in effect until revoked. These lists include the Consolidated List issued by the United Nations Security Council. Article 39 of POTA refers to the Regional Security System arrangement for checking passenger lists and passports against multiple databases, including the 1267 Consolidated List, which effectively serves to control both transit and visitor travel.

Article 4 (l) of POTA provides a general mechanism for the implementation of the resolution 1267 (1999). Article 4 (l) of POTA also gives legal effect to resolutions adopted under Article 41 of the Charter of the United Nations and to any order issued by the Minister for Foreign Affairs in Antigua and Barbuda, pursuant to that law. As concerns satisfying the requirement of resolution 1267 (1999) that requires Member States to implement without delay measures to freeze and seize terrorist-related funds and other assets in accordance with United Nations Al-Qaida and Taliban sanctions, there is no specific reference in POTA to freezing and seizure being done without delay. Specifically, the Minister for Foreign Affairs in Antigua and Barbuda is permitted to obtain an order designating an entity as a specified

entity and, based on that order, the Attorney General may exercise his power to direct financial institutions to freeze any account or property that is held on behalf of the specified entity.

The Attorney General is the person authorized by the Act to declare persons or groups to be terrorists. Upon being informed by the Commissioner of Police or the Director of the Office of National Drug and Money Laundering Control Policy (ONDCP) that there are reasonable grounds to suspect that an entity has engaged in terrorist acts, the Attorney General may, by order pursuant to article 3 (2) of POTA, declare the entity to be a "specified entity". As a result, resolution 1373 (2001) is dealt with by article 3 (2) of POTA, which allows the designation of "specified entity" to an entity suspected of committing, attempting to commit, participating in or facilitating a terrorist act, or having acted on behalf of, at the direction of, or in association with such an entity. Law enforcement authorities in Antigua and Barbuda also have the power to freeze and seize in this regard and there is no requirement for notification to the specified entity. In relation to seizures, the Commissioner of Police and the Director of ONDCP may exercise their powers whether or not proceedings have been instituted for an offence in respect of the funds or other assets. However, these authorities must, as soon as practicable after the seizure, apply to the Court for a detention order.

ONDCP is the agency responsible for money-laundering, terrorist financing and illegal drugs intelligence and investigations. ONDCP is a member of the Egmont Group. The Director of ONDCP, in his capacity as the Supervisory Authority, has access to financial, administrative, and law enforcement information. The Supervisory Authority or a law enforcement agency or police officer has the authority to obtain production orders, search and seizure warrants and restraint orders. In spite of all this, there have been no investigations to date involving financing of terrorism.

Under ONDCP, there is the Financial Investigations Unit (FIU), the Drugs Intelligence Unit, the Targeting and Strike Team and the National Joint Coordination Centre. The functions of the FIU, within ONDCP, include the receipt analysis and dissemination of Suspicious Activity Reports (SARs) or Suspicions Transactions Reports (STRs). Dissemination occurs through the Supervisory Authority. SARs are also required to be filed with the Commissioner of Police or the Director of ONDCP where there is a suspicion of financing of terrorism. To date, some members of the Royal Police Force of Antigua and Barbuda, the Antigua and Barbuda Customs and Excise Division and the Antigua and Barbuda Coast Guard have received training in the financing of terrorism from REDTRAC but more personnel from these governmental agencies need additional training. In addition, immigration officers from the Antigua and Barbuda Immigration Department and personnel from the Office of the Director of Public Prosecution (DPP) need more training on the financing of terrorism.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

No implementation.

4. Have your authorities indentified inside your territory and designated individuals or entities? If so, please outline the actions that have been taken.

No.

5. Please submit to the Committee, to the extent possible, the names of the individuals or entities associated with Osama bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations of enforcement actions.

None.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.

None.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

No.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

Articles 11-20 of POTA contain various measures to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside Antigua and Barbuda and to prevent individuals from participating in Al-Qaida training camps established in our territory or in another country. Specifically under POTA, article 11 covers the harbouring of persons committing terrorist acts; article 12 addresses the provision of weapons to terrorist groups; article 13 addresses the issue of recruitment of persons to be members of terrorist groups or to participate in terrorist acts; article 14 covers the issue of provision of training and instruction to terrorist groups and persons committing terrorist acts; article 15 addresses the issue of promotion or facilitation of the commission of terrorist acts in foreign States; article 16 indicates the level of penalty for the various offences committed in article 15; article 17 covers the issue of conspiracy to commit offences under this Act; article 18 addresses the issue of membership of terrorist groups; article 19 addresses the issue of arrangements of meetings in support of terrorist groups; and article 20 covers the issue of participation in the commission of offences under this Act.

The Government of Antigua and Barbuda recognizes the need for law enforcement authorities to cooperate and coordinate with each other. Accordingly, ONDCP has a memorandum of understanding with the Financial Services Regulatory Commission (FSRC) and a multilateral agency memorandum of understanding with the Royal Police Force of Antigua and Barbuda, the Antigua and Barbuda Customs and Excise Division, the Antigua and Barbuda Immigration Department and the Antigua and Barbuda Defence Force (ABDF). However,

Antigua and Barbuda does not have any permanent or temporary groups specialized in investigating the proceeds of crime. Specialized groups are formed on an ad hoc basis as the need arises. As a result, contact among law enforcement authorities is maintained in an ad hoc manner as there are no systems in place that allow them to interface in a structured and systematic way. The Royal Police Force of Antigua and Barbuda dedicates resources in a Special Branch. This Branch is responsible for identifying potential terrorist-related activity within the community and for intelligence exchanges with foreign counter-terrorism partners, which includes liaising with INTERPOL National Central Bureaux.

In addition, according to ONDCP, the Ministry of Legal Affairs in Antigua and Barbuda is responsible for seizure, freezing and confiscation of the proceeds of crime. The Supervisory Authority or a law enforcement agency or police officer has the authority to obtain production orders, search and seizure warrants and restraint orders. In spite of all this, there have been no investigations to date involving financing of terrorism. In relation to seizures, the Commissioner of Police and the Director of ONDCP may exercise their powers whether or not proceedings have been instituted for an offence in respect of the funds or other assets. These latter authorities, though, must as soon as practicable after the seizure, apply to the Court for a detention order.

III. Financial and economic assets freeze

Under the sanctions regime (paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

NOTE: For the purpose of implementation of the financial prohibitions in this sanctions regime, "economic resources" is defined to mean assets of every kind, whether tangible or intangible, movable or immovable.[1]

9. Please describe briefly:

- **The domestic legal basis to implement the asset freeze required by the resolutions above**
- **Any impediments under your domestic law in this context and steps taken to address them.**

Legislative provision in relation to the freezing of funds used for terrorist financing is to be found mainly in PTA. Antigua and Barbuda has, under section 4(1) of POTA, provided a general mechanism for the implementation of Security Council resolution measures. The Minister for Foreign Affairs may, by order published in the Gazette, make such provision as appears to the Minister to be necessary or expedient to effectively apply those measures. Lists of terrorists

[1] From the International Convention for the Suppression of the Financing of Terrorism, 1999.

gazetted under the repealed PTA 2001 continue in effect until revoked. These lists include the Consolidated List issued by the United Nations Security Council. Where the Minister for Foreign Affairs makes an order under section 4(1) to the effect that there are reasonable grounds to suspect that an entity specified in the order is engaged in terrorist activity, upon the order being made, the entity is deemed to be a specified entity.

Section 4(2) provides that, based on such an order, the Attorney General may exercise his power to direct financial institutions to freeze any account or other property held by the financial institutions on behalf of the specified entity. The Minister's powers under sections 4(1) and 4(2) of POTA may apply to give effect to resolution 1267 (1999) in respect of persons designated by the United Nations Al-Qaida and Taliban Sanctions Committee. The Antigua and Barbuda Authorities informed the Examiners that no entity to date has been declared a specific entity and the procedures employed in relation to measures taken in respect of a specified entity are at this stage untested. Specifically, as concerns satisfying the requirement of resolution 1267 (1999) obligating a country to implement without delay measures to freeze and seize terrorist-related funds and other assets in accordance with United Nations Al-Qaida and Taliban sanctions, there is no specific reference in POTA to freezing and seizure being done without delay. However, it is instructive that intermediate steps, such as first applying to the Court for a declaration that an order be made before funds or other property can be seized or frozen, are not stipulated under POTA. In relation to seizures, the Commissioner of Police and the Director of ONDCP may exercise their powers whether or not proceedings have been instituted for an offence in respect of the funds or other assets. These latter authorities must, as soon as practicable after the seizure, apply to the Court for a detention order.

The Attorney General is the person authorized by POTA to declare persons or groups to be terrorists. Upon being informed by the Commissioner of Police or the Director of ONDCP that there are reasonable grounds to suspect that an entity has engaged in terrorist acts, the Attorney General may, by order pursuant to section 3(2) of POTA, declare the entity to be a "specified entity". Section 3(2) also provides for the Attorney General to direct financial institutions to freeze any account or other property held by the financial institution by or on behalf of the specified entity. There is no requirement for notification to the specified entity at that point. The order has to be gazetted within seven (7) days. Security Council resolution 1373 (2001) addresses the implementation of measures to freeze and seize terrorist-related funds and other assets of persons (including other persons acting on their behalf) who commit, attempt to commit, participate in or facilitate the commission of terrorist acts. Section 3(2) of POTA extends the designation of "specified entity" to an entity suspected of committing, attempting to commit, participating in or facilitating a terrorist act, or having acted on behalf of, at the direction of, or in association with such an entity. The powers of freezing and seizure conferred on the law enforcement authorities above also apply in this regard. It is submitted that, although there must first be reasonable grounds upon which the Attorney General can act before he issues the directive to have the funds or other assets frozen, or the Commissioner of Police of the Director of ONDCP seize property pursuant to sections 25 and 35 of POTA, the determination of there being reasonable grounds does not negatively affect the issue whether or not the authorities have acted without delay in actually freezing the funds or other assets.

Where requests concerning terrorist offences not involving money-laundering are made to a relevant authority in Antigua and Barbuda, it is likely that assistance will be rendered pursuant to section 31(1) or 31(2) of POTA on the basis of a counter-terrorism convention. Part VI of POTA is dedicated to information-sharing, extradition and mutual assistance in criminal matters related to terrorist acts.

POTA is silent as to what may constitute "funds" or "assets" for the purposes of resolutions 1267 (1999) and 1373 (2001). A definition of "property" is given and the term "includes money, securities and any movable or immovable property wherever located". "Terrorist property" is also defined and it refers to property which has been, is being, or is likely to be used by a terrorist group and to property which is owned or controlled by or on behalf of a terrorist group. The argument is made that financial institutions and the competent authorities will freeze or seize any property that can be linked to the terrorist activity. While the Court may be inclined to construe all of the terms widely to bring perpetrators of offences under the Act, the freezing and seizure do not expressly extend to "funds or other assets wholly or jointly owned or controlled directly or indirectly by terrorists", nor do they expressly cover "funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by terrorists" as required by the resolutions. Full compliance with these resolutions as it concerns what may constitute "funds" or "assets" is therefore left to judicial interpretation.

The Attorney General is mandated by section 3(2)(b) of POTA to communicate freezing actions to financial institutions. There are no detailed guidelines governing the procedure which the Attorney General should follow and the measures which will be taken to safeguard that information of the decision to freeze a specified entity's account is not prematurely disclosed. Terrorist financing offences under POTA apply regardless of where the crime was committed. The High Court's jurisdiction to try offences under POTA is stated in section 26 of the Act.

Pursuant to section 26(2), the Court has jurisdiction to try the offence if it is committed in Antigua and Barbuda. For the purposes of section 26(2), a POTA offence committed outside Antigua and Barbuda and which would, if committed in Antigua and Barbuda constitute an offence under POTA, is deemed to have been committed in Antigua and Barbuda. This applies provided that: (i) the person committing the offence is a citizen or resident of Antigua and Barbuda, (ii) the offence is committed to compel the Government of Antigua and Barbuda to do or refrain from doing any act, (iii) the offence is committed against a citizen of Antigua and Barbuda, (iv) the offence is committed against property belonging to the Government of Antigua and Barbuda outside Antigua and Barbuda or (v) the person who commits the offence is present in the jurisdiction. Where the person is not within the jurisdiction, extradition or mutual legal assistance procedures may be relied upon to have the person prosecuted either in Antigua and Barbuda or in the foreign country.

Section 17(1) of POTA makes it an offence to conspire in Antigua and Barbuda to commit a POTA offence outside Antigua and Barbuda. An offence is also committed if a person conspires outside Antigua and Barbuda to commit a POTA offence in Antigua and Barbuda. POTA offences include financing of terrorism offences. POTA offences created under section 9(1), facilitating the acquisition of terrorist property, and section 9(2), knowingly dealing in, acquiring, facilitating, concealing or providing financial or other services in respect of terrorist property

are deemed money-laundering offences. The term "entity" under POTA means "a person, group, trust, partnership, fund or an unincorporated association or organization". "Person" appears to have a wide meaning to include individuals and corporate entities. Offences may therefore be committed by natural and legal persons. There is no provision of law which precludes parallel criminal, civil or administrative proceedings in another country because legal persons are made criminally liable in Antigua and Barbuda. It is usually the practice, however, that the Antigua and Barbuda authorities will render mutual assistance when requested to do so. The collection of property or the provision of financial services for facilitating terrorist acts under section 7 of POTA carries a sentence of twenty-five (25) years.

Lastly, according to ONDCP, the Ministry of Legal Affairs in Antigua and Barbuda is responsible for seizure, freezing and confiscation of the proceeds of crime. The Supervisory Authority or a law enforcement agency or police officer has the authority to obtain production orders, search and seizure warrants and restraint orders. In spite of all this, there have been no investigations to date involving financing of terrorism. In relation to seizures, the Commissioner of Police and the Director of ONDCP may exercise their powers whether or not proceedings have been instituted for an offence in respect of the funds or other assets. These latter authorities though must as soon as practicable after the seizure, apply to the Court for a detention order.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

The Government of Antigua and Barbuda recognizes the need for law enforcement authorities to cooperate and coordinate with each other. ONDCP is the agency responsible for money-laundering, terrorist financing and illegal drugs intelligence and investigations. ONDCP is a member of the Egmont Group. The Director of ONDCP, in his capacity as the Supervisory Authority, has access to financial, administrative and law enforcement information. The Supervisory Authority or a law enforcement agency or police officer has the authority to obtain production orders, search and seizure warrants and restraint orders. In spite of all this, there have been no investigations to date involving financing of terrorism.

Under ONDCP, there is the Financial Investigations Unit (FIU), the Drugs Intelligence Unit, the Targeting and Strike Team and the National Joint Coordination Centre. The functions of FIU, within ONDCP, include the receipt, analysis and dissemination of Suspicious Activity Reports (SARs) or Suspicious Transactions Reports (STRs). Dissemination occurs through the Supervisory Authority. SARs are also required to be filed with the Commissioner of Police or the Director of ONDCP where there is a suspicion of financing of terrorism. To date, some members of the Royal Police Force of Antigua and Barbuda, the Antigua and Barbuda Customs and Excise Division and the Antigua and Barbuda Coast Guard have received training in the financing of terrorism from REDTRAC but more personnel from these governmental agencies need additional training. In addition, immigration officers from the Antigua and Barbuda Immigration Department and personnel from the Office of the Director of Public Prosecution (DPP) need more training on the

financing of terrorism. The Royal Police Force of Antigua and Barbuda dedicates resources for identifying potential terrorist-related activity within the community and for intelligence exchanges with foreign counter-terrorism partners, which includes liaising with INTERPOL National Central Bureaux.

In addition, ONDCP has a memorandum of understanding with the Financial Services Regulatory Commission (FSRC) and a multilateral agency memorandum of understanding with the Royal Police Force of Antigua and Barbuda, the Antigua and Barbuda Customs and Excise Division, the Antigua and Barbuda Immigration Department and the Antigua and Barbuda Defence Force (ABDF). Unfortunately, Antigua and Barbuda does not have any permanent or temporary groups specialized in investigating the proceeds of crime. Specialized groups are formed on an ad hoc basis as the need arises. As a result, contact among law enforcement authorities is maintained in an ad hoc manner as there are no systems in place that allow them to interface in a structured and systematic way. Also, there is no effective mechanism that would allow policymakers and the relevant law enforcement and regulatory agencies to coordinate domestically on matters dealing with combating the financing of terrorism.

Lastly, according to ONDCP, the Ministry of Legal Affairs in Antigua and Barbuda is responsible for seizure, freezing and confiscation of the proceeds of crime. The Supervisory Authority or a law enforcement agency or police officer has the authority to obtain production orders, search and seizure warrants and restraint orders. In spite of all this, there have been no investigations to date involving financing of terrorism. In relation to seizures, the Commissioner of Police and the Director of ONDCP may exercise their powers whether or not proceedings have been instituted for an offence in respect of the funds or other assets. These latter authorities must, as soon as practicable after the seizure, apply to the Court for a detention order.

Antigua and Barbuda also has a robust mutual legal assistance regime in criminal matters. Mutual legal assistance in financing of terrorism matters is provided for under the Mutual Assistance in Criminal Matters Act (MACMA), which provides for mutual assistance for all countries that are members of the British Commonwealth and for countries with which Antigua and Barbuda has signed mutual legal assistance treaties (MLATs). In addition, Antigua and Barbuda has also concluded MLATs with the United States of America, the United Kingdom and Canada. There is no legal or practical impediment to rendering assistance where both countries criminalize the conduct underlying an offence. Antigua and Barbuda is also a party to the Inter-American Convention on Mutual Assistance in Criminal Matters and to the Inter-American Convention on Extradition. POTA is also used to seize, freeze and confiscate property used or intended to be used in the commission of a financing of terrorism offence or terrorism assets to be deposited in a Forfeiture Fund. There is also no provision for the sharing of assets confiscated as a result of coordinated law enforcement actions.

Extradition is governed primarily by the Extradition Act of 1993, which contains provisions, including procedures for extradition. With regard to extradition proceedings related to terrorist acts and the financing of terrorism, provision is made under Part VI of POTA. Specifically, under Section 30 of POTA counter-terrorism conventions are used as a basis for extradition, even in cases where there

is no extradition arrangement. The Government of Antigua and Barbuda extradites its nationals.

With regard to other forms of international cooperation, FSRC is not authorized to exchange information with its foreign counterparts.

11. Please convey the step banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements.[2] Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Every financial institution is required to make a report every three (3) months as to whether or not it is in possession of property owned or controlled by or on behalf of a specified entity. The financial institution is required to report to the Director of ONDCP transactions for which there are reasonable grounds to suspect that the transactions are related to the commission of terrorist acts. Reports on terrorist property for submission to the Director of ONDCP are to be made on the form provided in Schedule D of POTA. Failure to comply with the duty to report is an offence and is punishable by imprisonment for a term not exceeding five (5) years. This penalty would not be dissuasive in a case where it is found that a financial institution or an officer intentionally sets out to make secret the existence of terrorist property.

A financial institution is also obligated to monitor the Gazette for changes to the list of declared specified entities and to maintain copies of this list. Upon the declaration or publication in the Gazette of the name of a specified entity, a financial institution should immediately make a check of its records to establish whether or not the specified entity has an account or holds property with the institution. If a match is found, this should be communicated immediately to the Director of ONDCP by the quickest, and arguably most secure, means possible. Transactions in relation to the account or property should not proceed before contact is made and the matter is discussed with the Director of ONDCP. The guidelines are brief. They could, for example, set out acceptable standards of channels of reporting within the financial institution. The reporting of STRs for terrorist activity would be comparable to the reporting regime which exists for money-laundering.

Provision is made under section 3(4) of POTA for a specified entity to apply within ninety (90) days to the Commissioner of Police or the Director of ONDCP, requesting either authority to recommend to the Attorney General the revocation of the order listing it as a specified entity. If the recommendation is made, the Attorney General will be requested to revoke the order. Where the recommendation is not made, the listed entity may apply to a judge for a review of the decision. The judge may direct that the Commissioner of Police or the Director of ONDCP recommend to the Attorney General that the order for de-listing be made. However, it is unclear whether the Attorney General is mandated to carry out the judge's directive, even where the Attorney General believes that the entity should be specified. The Director of ONDCP may from time to time review all orders declaring specified entities. If he determines that there are no longer reasonable grounds for the order to

[2] For details, see third report of the Monitoring Group of 17 December 2002 (S/2002/1338), sect. V, paras. 27-29.

continue, he is required to recommend to the Attorney General that the order be revoked. If the Security Council removes an entity from its list, the Minister for Foreign Affairs, pursuant to his powers under section 4(1) of POTA, may by order published in the Gazette de-list the entity. With the exception of the requirement that the listing and the de-listing of specified entities be gazetted, there is no specific provision which compels authorities to ensure that the procedures for de-listing are publicly known.

On account that an order declaring a person a specified entity may also direct a financial institution to freeze funds or other assets held by or on behalf of the specified entity, the specified entity may apply to have the funds unfrozen in the same manner provided for de-listing. However, in practice it is likely that the provisions of the entire order would be revoked where it is determined that the person should no longer be designated a specified entity. There is no similar provision relating to persons who have been affected inadvertently by a freezing mechanism. Where property is seized under section 35(1) of POTA, the Attorney General may apply to a judge to cancel or vary a warrant or order in respect of the seized property. In the case of a detention order, prior to a destruction order being made, the judge must require notice to be given to any person who appears to have an interest in the property and may provide the person with a reasonable opportunity to be heard.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. The list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- **identification(s) of the person or entities whose assets have been frozen**
- **a description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets)**
- **the value of assets frozen.**

To date, there have been no investigations, prosecutions or convictions in relation to terrorist activity and so the effectiveness of the financing of terrorism regime cannot be assessed.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

None.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by national or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the

movements of such funds or assets to designated individuals and entities. This section should include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**
- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**
- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**
- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**
- **Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — hawala, as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

IV. Travel ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of Listed individuals (paragraph 1 of resolution 1455 (2003, paragraph 2 (b) of resolution 1390 (2002)).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken, to implement the travel ban.

The following provisions under the Prevention of Terrorism Act are concerned with the legislative measures and also include the administrative measures which are utilized to implement travel bans. Article 39 of POTA refers to the Regional Security System arrangement for checking passenger lists and passports, against multiple databases including the 1267 Consolidated List, which effectively serves to control both transit and visitor travel. Article 40 of POTA grants the power of the Chief Immigration Officer to prevent entry and order the removal of persons.

During the Cricket World Cup in 2007, all Caribbean countries, including Antigua and Barbuda, adopted the United States System of Advanced Passenger Information (API). The headquarters for this system is housed in Barbados and is staffed 24-7 to check API on all methods of travel into Antigua and Barbuda. This system checks current watch lists, national and international and works with various police agencies and intelligence agencies to issue a travel ban for unauthorized persons. To date, this API system is still utilized extensively in Antigua and Barbuda.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

Efforts have been made to include the listed individuals in Antigua and Barbuda's national border checkpoint list which is provided to the Antigua and

Barbuda Immigration Department, the Royal Police Force of Antigua and Barbuda, and the Antigua and Barbuda Customs and Excise Division to ensure that none of the persons on the list have entered Antigua and Barbuda and to ensure that the list is current. The practice is to provide or communicate the revisions to the list to all border points in Antigua and Barbuda as the latest information becomes immediately available.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

Unfortunately, Antigua and Barbuda lacks the necessary human and financial resources to conduct this exercise.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

To date, none on the receiving list has transited Antigua and Barbuda. Using the API system, border points in Antigua and Barbuda, particularly at the VC Bird International Airport, have the capability of searching the list data using the API system, which is the electronic means in which to do so.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the references database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

None of the suspects has ever been discovered to have applied for a visa in Antigua and Barbuda.

V. Arms embargo

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale or transfer, to Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related material of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

No measures are in place. Antigua and Barbuda does not export nor manufacture such weapons, therefore it is not likely for this country to encounter such.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida

organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

No measures have been put in place yet.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the establishment arms embargo.

Arms licences in Antigua and Barbuda are strictly issued, with the final decision made by the Commissioner of Police of the Royal Police Force of Antigua and Barbuda. However, in the issuing of arms licences, the Commissioner of Police is advised by a National Committee which comprises of representation from the Royal Police Force of Antigua and Barbuda, ONDCP and the Police Service Commission (PSC).

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Antigua and Barbuda does not manufacture any weapons or ammunition.

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

Antigua and Barbuda has many areas requiring assistance and capacity-building and as a result of these constraints, Antigua and Barbuda is unable to provide assistance to other States to help implement the measures in the above-mentioned resolutions.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.

To date, some members of the Royal Police Force of Antigua and Barbuda, the Antigua and Barbuda Customs and Excise Division and the Antigua and Barbuda Coast Guard have received training in the financing of terrorism training from REDTRAC, but more personnel from these governmental agencies need additional training. In addition, immigration officers from the Antigua and Barbuda Immigration Department and personnel from the Office of the Director of Public Prosecution (DPP) need more training on the financing of terrorism. In addition, Antigua and Barbuda needs the necessary human trained personnel and financial resources to implement the measures to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them.

26. Please include any additional information you believe pertinent.

None.